

Navigation Works (Ireland) Bill.

MEMORANDUM.

Under the existing law (section 67 of the Grand Jury (Ireland) Act, 1836) county councils in Ireland are unable to contribute more than three hundred pounds towards the cost of erecting, repairing, or enlarging piers or quays, and under the existing law the councils of urban districts cannot expend money for any such purpose except under the authority of a local and personal Act or a Provisional Order of the Board of Trade, which requires confirmation by Parliament.

The object of clause 1 of the Bill is to enable the Lord Lieutenant by Order in Council to authorise these local authorities to expend money on navigation works as defined by clause 9 of the Bill, and to authorise the undertaking of such works.

The object of clause 2 is to enable the Lord-Lieutenant by Order in Council to authorise the establishment and working of ferries by local authorities.

The object of clause 3 is to enable Harbour Commissioners to make leases of lands vested in them which are not required for the purposes of the harbour.

The remaining clauses of the Bill contain necessary safeguards and incidental provisions.



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TO

Facilitate the execution of Navigation Works in Ireland and for other purposes connected therewith. A.D. 1907.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 5 **1.**—(1) Where an application is made to the Lord Lieutenant by the council of a county or urban district for authority to expend money for the purpose of defraying the cost of a navigation work or contributing thereto the Lord Lieutenant if satisfied that—
- 10 (a) the work is necessary for the development of any industry carried on by the inhabitants of any area under the control of the council, and
- (b) the work, if aided by funds contributed by Parliament or by any Government department, or if affecting
- 15 any work already constructed with the aid of such funds, will be undertaken by the Commissioners of Public Works in Ireland, or, subject to their supervision, by persons and in accordance with plans and specifications approved of by them,
- 20 may refer the matter to the Local Government Board for a report as to the financial condition of the council.
- (2) Where a matter is so referred the Local Government Board shall, after holding a local inquiry and taking into consideration any representations made by ratepayers interested, report
- 25 to the Lord Lieutenant whether, in their opinion, such expenditure can or cannot be made by the council without unduly burdening the rates, and in the former case shall report the amount which can be so expended and, if the application is by a county council, the area upon which the same should be charged.

[Bill 237.]

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Order in
Council to
authorise
expenditure
by local
authorities
on naviga-
tion works.

A.D. 1907.

Article thirty-two of the Schedule to the Local Government (Application of Enactments) Order, 1898, shall apply in the case of a local inquiry under this subsection in like manner as if it was a local inquiry under the Local Government (Ireland) Act, 1898.

61 & 62 Vict.
c. 37.

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(3) Where the Local Government Board report that such expenditure can be made as aforesaid the Lord Lieutenant may make an Order in Council authorising the execution of the work, defining the limits thereof, specifying who are to be the undertakers thereof, and authorising the expenditure by the council of an amount not exceeding that specified in the report and, in the case of a county council, declaring that the same shall be charged upon the area therein specified.

(4) The Order shall contain such provisions as may be required by the Board of Trade, or the Commissioners of Woods, for safeguarding the rights of the Crown, or for the protection of navigation, or otherwise.

(5) The Order may contain such provisions as may appear necessary or expedient for carrying it into effect, including the following:—

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- (a) Provisions empowering the purchase or taking of land by agreement or otherwise than by agreement;
- (b) Provisions for enabling tolls and rates to be levied and paid, not exceeding the amounts specified in the Order, and providing for the recovery and application thereof, and the appointment of collectors thereof; and
- (c) Provisions with respect to the authority in whom any structure to which the Order relates is to be vested and with respect to the inspection and maintenance thereof:

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Provided that a provision under this subsection imposing any liability on public moneys shall only be made with the sanction of the Treasury.

10 & 11 Vict.
c. 27.

(6) The Order may incorporate any enactments in the Harbours, Docks, and Piers Clauses Act, 1847, and the enactments so incorporated shall be construed as if the Order in Council were substituted therein for the special Act.

6 & 7 W. 4.
c. 116.

(7) Section sixty-eight of the Grand Jury (Ireland) Act, 1836, which provides for piers or quays becoming public property shall not apply in the case of any structure to which the Order relates unless it is thereby expressly applied.

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(8) A draft of the Order shall be forwarded to the Board of Trade and the Commissioners of Woods at least one month before the Order is made.

A.D. 1907.

2. Where an application is made to the Lord Lieutenant by the council of a county or urban district for authority to establish or contribute towards the cost of establishing a ferry across a lake, river, or arm of the sea, or to maintain or contribute towards the cost of maintaining any such ferry, such of the provisions of the last preceding section as are applicable to the case of a ferry shall apply, in like manner as if it was a navigation work, subject to the following modifications:—

Order in Council as to ferries.

(a) An Order in Council may authorise the establishment of a ferry, or the acquisition by agreement by a council of any franchise or right of the owner of an existing ferry:

(b) The provision relating to the Commissioners of Public Works shall not apply:

(c) Provisions with respect to the maintenance of a work shall be construed as including provisions for the employment of ferry men and the purchase and maintenance of ferry boats, and for other matters incidental to the working of a ferry.

3. The power of granting leases conferred upon any undertakers in Ireland by any special Act incorporating section twenty-three of the Harbours, Docks and Piers Clauses Act, 1847, shall extend to any land vested in them and not required for the purposes of the special Act; and notwithstanding anything in the said section twenty-three, a lease under this section may, with the consent of the Board of Trade, be granted for any term of years, provided that a fair yearly rent is reserved thereby without taking anything in the nature of a fine or premium.

Extension of leasing power of harbour commissioners. 10 & 11 Vict. c. 27.

4. Nothing in this Act, or in any Order in Council thereunder, shall extend to abrogate or prejudice any estate, right, title, interest, prerogative, royalty, jurisdiction, or authority of or appertaining to the Crown.

Saving of rights of the Crown.

5. An Order in Council under this Act shall not authorise the doing of any act which would prejudice or affect any right, franchise, privilege, power, jurisdiction, or authority acquired by or given or reserved to any person by Royal Charter, by prescription, or by any local or special Act, without the consent in writing of such person.

Order not to affect rights acquired by charter, &c.

A.D. 1907.
Financial
provisions.

6.—(1) A county or urban district council may borrow for any purpose authorised by an Order in Council under this Act—

(a) In the case of a county council as if that purpose was a purpose for which they are authorised to borrow under the Local Government (Application of Enactments) Order, 1898 :

(b) In the case of an urban district council as if that purpose was a purpose for which they are authorised to borrow under the Public Health (Ireland) Act, 1878.

41 & 42 Vict.
c. 52.

(2) The council of a county may raise equally over the area specified in the Order in Council authorising the expenditure, by means of the poor rate, such sums as may be required in any financial year for the repayment of money borrowed by them in pursuance of this Act, or for the maintenance of any work or ferry which they are required, by an Order in Council, to maintain.

41 & 42 Vict.
c. 52.

(3) The council of an urban district may raise by means or out of any rate or fund applicable for the purposes of the Public Health (Ireland) Act, 1878, and in the case of a rate assessed in the manner provided by that Act, such sums as may be required in any financial year by them for the like purposes.

Order to be
laid before
Parliament.

7.—(1) An Order of the Lord Lieutenant in Council under this Act shall be laid before Parliament and shall have the effect of an Act of Parliament, and may be amended at any time by a like Order.

(2) Save where it is proposed by an amending Order to increase the amount of the expenditure, or to alter the area of charge, it shall not be necessary to refer the matter to the Local Government Board.

Rules.

8. The Lord Lieutenant may make general rules prescribing the preliminary steps to be taken and the procedure to be adopted by a council seeking to apply for an Order in Council under this Act, and those rules may make such adaptations of the Local Government (Procedure of Councils) Order, 1899, as amended by any subsequent Order, as may be required for the purposes of this Act.

Application
of Act.

9. This Act shall not apply in any case where the estimated cost of the proposed works exceeds *ten thousand pounds* unless the Lord Lieutenant, in communication with the Board of Trade, determines that, on account of the exceptional circumstances of the case, this Act shall be applicable, nor shall it apply in any

case where the work can be constructed under section sixty-seven
of the Grand Jury (Ireland) Act, 1896.

A.D. 1907.
6 & 7 W. 4.
c. 116.

10. In this Act—

The expression "navigation works" means the construction, reconstruction, enlargement or repair of any harbour, dock, pier, or quay on the sea coast, or on the banks of any navigable river or lake, or the making or repairing of any road or approach to, or any dredging operations in connection with, any such harbour, dock, pier, or quay, or the deepening or embanking of any such river; and

The expression "the Local Government Board" means the Local Government Board for Ireland.

11. This Act may be cited as the Navigation Works (Ireland)

Act, 1907.

Navigation Works (Ireland).

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B I L L.

To facilitate the execution of Navigation Works in Ireland and for other purposes connected therewith.



Presented by Mr. Attorney-General for Ireland,

suggested by

Mr. Birrell.

Ordered, by The House of Commons, to be Printed,

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[Bill 287.]